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Plaintiffs' counsel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE PACIFIC FERTILITY CENTER
LITIGATION

This Document Relates to:
No. 3:18-cv-01586
(A.B., C.D., E.F., G.H., and I.J.)

Master Case No. 3:18-cv-01586-JSC

**DECLARATION OF AMY M. ZEMAN
IN SUPPORT OF PLAINTIFFS'
MOTION TO EXCLUDE EXPERT
TESTIMONY**

Date: March 4, 2021
Time: 9:00 a.m.
Judge: Hon. Jacqueline S. Corley
Place: Courtroom F, 15th Floor

EXHIBITS 1-11, and 13-14

ARE FILED UNDER SEAL

1 1. I am a partner at the law firm Gibbs Law Group LLP, counsel for Plaintiffs in the above-
2 captioned action, and submit this declaration in support of Plaintiffs' Motion to Exclude Expert
3 Testimony.

4 2. Attached as **Exhibit 1** is Eldon Leaphart's expert report, which was delivered to
5 Plaintiffs' counsel on November 6, 2020.

6 3. Attached as **Exhibit 2** are excerpts from Eldon Leaphart's deposition taken on
7 November 18, 2020.

8 4. Attached as **Exhibit 3** is John Cauthen's expert report, which was delivered to Plaintiffs'
9 counsel on November 6, 2020.

10 5. Attached as **Exhibit 4** are excerpts from John Cauthen's deposition taken on November
11 24, 2020.

12 6. Attached as **Exhibit 5** is Grace Centola's supplemental expert report, which superseded
13 her original November 6, 2020 report and was delivered to Plaintiffs' counsel on November 20, 2020.

14 7. Attached as **Exhibit 6** are excerpts from Grace Centola's deposition taken on November
15 23, 2020.

16 8. Attached as **Exhibit 7** is Franklin Miller's supplemental expert report, which superseded
17 his original November 6, 2020 report and was delivered to Plaintiffs' counsel on November 20, 2020.

18 9. Attached as **Exhibit 8** are excerpts from Franklin Miller's deposition taken on
19 December 1, 2020.

20 10. Attached as **Exhibit 9** is a second rebuttal report from Franklin Miller that was delivered
21 to Plaintiffs' counsel on December 11, 2020. The deadline for expert disclosures was November 6,
22 2020, and the deadline for rebuttal expert disclosures was December 4, 2020.

23 11. Attached as **Exhibit 10** is Angela Lawson's expert report, which was delivered to
24 Plaintiffs' counsel on December 4, 2020.

25 12. Attached as **Exhibit 11** are excerpts from Angela Lawson's deposition taken on
26 December 11, 2020.

27 13. Attached as **Exhibit 12** are excerpts from Jean Popwell's deposition taken on September
28 2, 2020

1 14. Attached as **Exhibit 13** is a letter to PFC from the College of American Pathologists
2 dated March 13, 2018, and produced in this action bearing the Bates stamp MSO005378.

3 15. Attached as **Exhibit 14** are excerpts from Pacific MSO's deposition by written questions
4 dated October 23, 2020.

5 16. Attached as **Exhibit 15** are excerpts from Pacific MSO's deposition taken November 13,
6 2020.

7 17. Attached as **Exhibit 16** are excerpts from Hannah Lamb's deposition taken September
8 29, 2020.

9 18. Attached as **Exhibit 17** are excerpts from Erin Fischer's deposition taken August 27,
10 2020.

11 19. Attached as **Exhibit 18** are excerpts from Gina Ciremele's deposition taken November
12 10, 2020.

13 20. Attached as **Exhibit 19** are excerpts from Pacific MSO's deposition taken October 9,
14 2019.

15 21. Attached as **Exhibit 20** is a photograph of Tank 4's replacement tank after the contents
16 of Tank 4 were moved into the replacement tank on March 4, 2018. The picture was produced by
17 Pacific MSO during discovery bearing the Bates stamps MSO023987.

18 22. Attached as **Exhibit 21** is a screenshot of the "Design Failure Mode, Effects and
19 Criticality Analysis" produced by Chart bearing the Bates number CHART001432. The spreadsheet
20 identifies over 100 potential failure modes for Chart's cryogenic tanks; the failure modes shown in the
21 screenshot identify the effect of a weld failure in the tank's inner vessel as well as the effect of a weld
22 failure in the tank's outer vessel.

23
24 I declare under penalty of perjury under the laws of the United States that the foregoing is true
25 and correct.

26 Dated: December 22, 2020

/s/ Amy M. Zeman

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2 **CERTIFICATE OF SERVICE**
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6 I hereby certify that on December 22, 2020, I electronically filed the foregoing document using
7 the CM/ECF system, which will send notification of such filing to all counsel of record registered in
8 the CM/ECF system. I also caused an unredacted copy of the foregoing document to be served via
9 email on counsel of record.
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10 /s/ Amy Zeman
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